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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
			EXAMINER HERNANDEZ, NELSON D	
			ART UNIT 2622	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/614,044

Applicant(s)

SHIGA, HIDEAKI

Examiner

Nelson D. Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/4/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges the amended claims filed on May 7, 2007. **Claims 1 and 4** have been amended. **Claim 3** has been canceled. **Claims 6-25** have been newly added.

Response to Arguments

2. Applicant's arguments in regards to **claim 1** as amended now including the limitations of previously rejected **claim 3** filed on May 7, 2007 have been fully considered but they are not persuasive.

The Applicant argues the following:

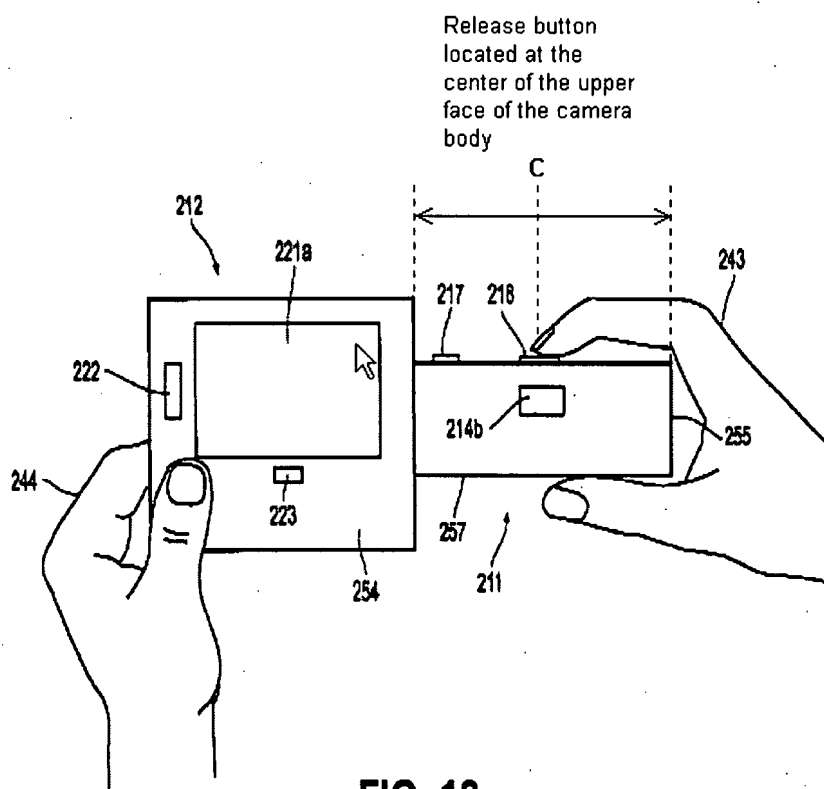
- a. "The Examiner asserts that Tsukahara teaches a "shutter button" as required by amended claim 1. Amended claim 1, however, requires "a shutter button disposed in the center of the upper face of said camera body." The figure of Tsukahara cited by the Examiner clearly shows that the "release button 218," which the Examiner relates to the "control button" of amended claim 1, is not "disposed in the center," but instead is disposed toward an edge of the surface, toward the "side face 255." (Tsukahara at Fig. 14.) The Examiner also cites a portion of Tsukahara, which states that "[a] release button 218 and a zooming button 219 are also positioned side by side in this order at a position closer to the side face 255." (Tsukahara at col. 14, ll. 38-44.)

➤ The Examiner disagrees. As shown in fig. 14, Tsukahara et al. discloses the release button located at the center of the camera body upper face. In fig. 14 as presented below, the release button is located inside a central area of the camera upper face is shown with dash lines. Furthermore, the release button is located at the center of the camera upper face (since a dash line C appears to be crossing a portion of said release button 218). In col. 14, lines 37-44, Tsukahara et al. recite: *"Also, on the top face 253 of the imaging unit main body 211, a display window 216 and a setting button 217 are positioned side by side above the lens unit 213. A release button 218 and a zooming button 219 are also positioned side by side in this order at a position closer to the side face 255, which faces opposite side face 251, and towards the center of top face 253 through the vicinity of side face 257."* This teaches that the release button is at a central position of the camera body upper face, even when also teaches that is closer to the side face 255 (Since even when Tsukahara et al. teaches that the release button is located a position closer to the side face 255, also teaches that is towards the center of the top face 253 and as shown in figs. 14 and 18, the release button is presented in the center of the top portion of the camera body).

Furthermore as shown in fig. 18 below, Tsukahara et al. presents the camera body with the release button at the center of the camera. Also fig. 18 shows the advantages of having the release button at the position on the center of the camera body upper face where the user can rotate the display portion while holding the camera body in the same position (rotation of the display is also shown in figs. 10 and 11; note that the position of the camera body can stay the same so the user can operate the camera having the display and the sensor facing said user and also can have the sensor facing in an opposite direction

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while the release button is in the upper portion of the camera and the display is facing the user).

**FIG. 18**

Therefore, the rejection made on previously rejected claim 3 now included in amended **claim 1** is maintained.

3. Applicant's arguments, see page 11, line 20 – page 12, line 16, filed May 7, 2007, with respect to the rejection of **claim 2** under 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground of rejection is made in view of new interpretation of the previously used prior art.

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4. Applicant's arguments, see page 12, line 18 – page 14, line 6, filed May 7, 2007, with respect to the rejection of **claims 4 and 5** under 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground of rejection is made in view of newly found prior art.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Iijima, JP 2002-101331 A.**

Regarding claim 15, Iijima discloses a method for imaging in a video camera (Fig. 1), comprising: making a determination, based on a duration of time for which a control button (Shutter button; see English Machine Translation, page 4, ¶ 0022) is pressed, whether to record on a storage medium a still image or a motion picture; and recording image information in said storage medium (Fig. 1: 10) based on said determination (CPU 9 calculates the time from when the shutter button is first pressed while the user hold the shutter pressed and if the shutter is pressed for an amount of time less than a predetermined threshold, the camera would operate in still capture mode and store the image data in the memory 10, but is the timer detects that the

shutter button is pressed for an amount of time larger than the predetermined threshold, the camera would change into a motion picture mode and store the motion picture data in the memory 10; English Machine Translation, page 5, ¶ 0024-0028).

Regarding claim 16, limitations can be found in claim 15.

Regarding claim 17, Iijima discloses beginning to obtain first motion picture images and record said first motion picture images in a buffer memory (Fig. 1: 6) when said control button is depressed (see English Machine Translation, page 5, ¶ 0024-0028).

Regarding claim 18, Iijima discloses that when said control button is released and said determination is to record a still image, recording as a new still image in said storage medium (Fig. 1: 10) one of said first motion picture images, said one of said first motion picture images having been recorded in said buffer (Fig. 1: 6) approximately when said control button was depressed (see English Machine Translation, page 5, ¶ 0024-0028).

Regarding claim 19, Iijima discloses that when said control button is released and said determination is to record a motion picture, recording in said storage medium a plurality of said first motion picture images as a first portion of a new motion picture (see English Machine Translation, page 5, ¶ 0024-0028).

Regarding claim 20, Iijima discloses that when said control button is released, obtaining second motion picture images until said control button is again depressed (see English Machine Translation, page 5, ¶ 0024-0028).

Regarding claim 21, Iijima discloses recording said second motion picture images in said storage medium (see English Machine Translation, page 5, ¶ 0024-0028) as a second portion of said new motion picture.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurase, US 2002/0063783 A1 in view of Tsukahara, US Patent 6,295,088 B1.**

Regarding claim 1, Kurase discloses a digital video camera (See figs. 1-3) comprising: a camera body (Fig. 1: 10); an imaging means (Fig. 3: 68) provided in the camera body capable of selectively imaging a still or motion picture image (Using mode dial 50 as shown in fig. 3); and a display means (Fig. 2: 64) provided on the camera body for displaying said image, wherein said camera body has a slot capable of removably receiving a flexible disk for storing said image data (Kurase teaches that the camera uses Floppy Disc Card or magnetic disks or other memory mediums; page. 4, ¶ 0055) (Page 3, ¶ 0044-0046; page 4, ¶ 0055).

Kurase does not explicitly disclose a communication means provided in the camera body for transmitting image data obtained by said imaging means to an external

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image data receiving means and that the shutter button is disposed in the center of the upper face of said camera body.

However, Tsukahara teaches a digital camera comprising: a camera body (See figs. 1 and 14); an imaging means (Col. 13, lines 44-49) provided in the camera body; a communication means (Fig. 2: 65) provided in the camera body for transmitting image data obtained by said imaging means to an external image data receiving means (Col. 7, lines 15-32; col. 7, line 65 – col. 8, line 11; col. 8, lines 47-57); and a display means (Figs. 1: 64 and 14: 221a) provided on the camera body for displaying said image (Col. 7, lines 15-32; col. 7, line 65 – col. 8, line 11; col. 8, lines 47-57; Col. 13, line 14 – col. 14, line 11). Tsukahara also discloses that the shutter button (fig. 14: 218; col. 14, lines 38-44) disposed in the center of the upper face of said camera body (See figs. 14 and 18, the release button is located at a position in the center of the upper body of the camera; see also response to arguments as discussed and analyzed above).

Therefore, taking the teaching of Kurase in view of Tsukahara as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kurase with the teaching of Tsukahara to have a communication means provided in the camera body for transmitting image data obtained by said imaging means to an external image data receiving mean and to have the shutter button disposed in the center of the upper face of said camera body. The motivation to do so would have been to improve the functionality of the camera by facilitating communication between the camera an other external devices and also to allow the user to capture images having either the sensor facing towards an object to be

photographed and to have said sensor facing the user while observing the display of said camera rotate the display portion improving the capabilities of said camera.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurase, US 2002/0063783 A1 in view of Tsukahara, US Patent 6,295,088 B1 and further in view of Steinberg et al., US Patent 6,750,902 B1.

Regarding claim 2, although Kurase discloses that the recording medium can be a Floppy Disc Card, magnetic disks or a different kind of recording medium, the combined teaching of Kurase in view of Tsukahara fails to teach that the removable flexible disk has a diameter of less than or equal to 50.8 mm (2 inches).

However, Steinberg et al. teaches a digital camera (Fig. 2: 56) capable of storing the image data in a flexible disk having a diameter of less than or equal to 50.8 mm (2 inches) (Steinberg et al. teaches that the camera can load the image information in a removable storage, wherein said removable storage, may be a Klik! storage device (Co. 6, lines 27-43) (Iomega Klik! storage device measures 2 inches of diameter and are well known in the art for being a small removable recordable media intended for use with PDA's and digital cameras with a lower cost compared to other recording media)).

Therefore, since Kurase discloses that the recording medium can be Floppy Disc Card or magnetic disks or a different type of recording medium as an alternative, one of an ordinary skill in the art would find obvious at the time the invention was made to modify Kurase in view of Tsukahara with the teaching of Steinberg, where the camera uses a Klik! disk as a recording medium, to record the image data in a flexible disk

having a diameter of less than or equal to 50.8 mm (2 inches) as an alternative to record the image data. The motivation to do so would have been to reduce the cost of large capacity recording mediums while maintaining the portability of the camera.

10. Claims 4, 5, 22, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurase, US 2002/0063783 A1 in view of Tsukahara, US Patent 6,295,088 B1 and further in view of Iijima, JP 2002-101331 A.

Regarding claim 4, although Kurase discloses a shutter button (Fig. 1: 24), the combined teaching of Kurase in view of Tsukahara fails to teach that the shutter button indicates the timing of imaging to said imaging means, and said imaging means switches said imaging between still and motion picture images based on the duration of time for which said shutter button is pressed down.

However, Iijima discloses a camera (Fig. 1), having an imaging means (CCD 2 as shown in fig. 1); a display means (8 as shown in fig. 1) for displaying the image data; an memory (10 as shown in fig. 1) to store the image data; a shutter button shutter button (See English Machine Translation, page 4, ¶ 0022) indicates the timing of imaging to said imaging means (CPU 9 as shown in fig. 1), and said imaging means switches said imaging between still and motion picture images based on the duration of time for which said shutter button is pressed down (the CPU 9 calculates the time from when the shutter button is first pressed while the user hold the shutter pressed and if the shutter is pressed for an amount of time less than a predetermined threshold, the camera would operate in still capture mode and store the image data in the memory 10,

but is the timer detects that the shutter button is pressed for an amount of time larger than the predetermined threshold, the camera would change into a motion picture mode and store the motion picture data in the memory 10; See English Machine Translation, page 5, ¶ 0024-0028). Having a camera that changes the operation modes with only the operation of the shutter button is advantageous because it would reduce the amount of operations required from the user and would also reduce the number of operation button on the camera.

Therefore, taking the combined teaching of Kurase in view of Tsukahara in view of Iijima as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kurase in view of Tsukahara to have the shutter button indicating the timing of imaging to said imaging means, and said imaging means switches said imaging between still and motion picture images based on the duration of time for which said shutter button is pressed down, wherein if the amount of time is less than a predetermined amount of time the camera would operate in still capture mode and if the time is more than the predetermined amount of time, said camera would operate in motion capture mode. The motivation to do so would have been to reduce the amount of operations required from the user, and would also reduce the number of operation button on the camera.

Regarding claim 5, limitations can be found in claim 4.

Regarding claim 22, limitations can be found in claim 4.

Regarding claim 23, Kurase teaches that said obtaining of a motion picture image is stopped by operating said control button as a stop switch (Page 3, ¶ 0042).

Regarding claim 25, Kurase teaches that the imaging means is operable to obtain still images and motion picture images only by a single shutter button (Page 3, ¶ 0042).

11. Claims 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima, JP 2002-101331 A in view of Tsukahara, US Patent 6,295,088 B1.

Regarding claim 6, Iijima discloses a digital video camera (Fig. 1) comprising: a camera body (See English Machine Translation, page 4, ¶ 0020); an imaging device (CCD 2 as shown in fig. 1) capable of imaging still images and motion picture images; a storage medium (memory 10 as shown in fig. 1) for storing at least one of still images and motion pictures; a control button (shutter button in combination with CPU 9 (Fig. 1); See English Machine Translation, page 4, ¶ 0022) operable to indicate to said imaging device the duration of time for which said control button is pressed (See English Machine Translation, page 5, ¶ 0024-0028); wherein when said control button is operated, said imaging device makes a determination whether to record a still image or a motion picture in said storage medium based on said duration of time (the CPU 9 calculates the time from when the shutter button is first pressed while the user hold the shutter pressed and if the shutter is pressed for an amount of time less than a predetermined threshold, the camera would operate in still capture mode and store the image data in the memory 10, but if the timer detects that the shutter button is pressed for an amount of time larger than the predetermined threshold, the camera would

change into a motion picture mode and store the motion picture data in the memory 10; page 5, ¶ 0024-0028).

Although Iijima discloses that the camera has a body, Iijima does not explicitly disclose that the camera having a front face, a back face, and one or more side faces.

However, Tsukahara teaches a digital camera comprising: a camera body (See figs. 1, 14 and 18) having a front face (Fig. 14: 256), a back face (Fig. 14: 257), and one or more side faces (Fig. 14, 251); an imaging means (Col. 13, lines 44-49) provided in the camera body; a communication means (Fig. 2: 65) provided in the camera body for transmitting image data obtained by said imaging means to an external image data receiving means (Col. 7, lines 15-32; col. 7, line 65 – col. 8, line 11; col. 8, lines 47-57); and a display means (Figs. 1: 64 and 14: 221a) rotatably mounted on the side (251) of the camera body for displaying said image (See rotation in figs. 10 and 11; col. 7, lines 15-32; col. 7, line 65 – col. 8, line 11; col. 8, lines 47-57; Col. 13, line 14 – col. 14, line 11). Tsukahara also discloses that the shutter button (fig. 14: 218; col. 14, lines 38-44) disposed in the center of the upper face of said camera body (See figs. 14 and 18, the release button is located at a position in the center of the upper body of the camera; see also response to arguments as discussed and analyzed above).

Therefore, taking the combined teaching of Iijima in view of Tsukahara as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the body of the camera taught by Iijima to have front face, a back face, and one or more side faces. The motivation to do so would have been to protect the camera circuitry from damages caused by dust, humidity, tampering,

temperatures, etc. One of an ordinary skill in the art would also find advantageous to use the camera body as taught by Tsukahara to have advantages of having the release button at the positioned on the center of the camera body upper face where the user can rotate the display portion while holding the camera body in the same position, since the position of the camera body can stay the same so the user can operate the camera having the display and the sensor facing said user and also can have the sensor facing in an opposite direction while the release button is in the upper portion of the camera and the display is facing the user improving the camera body taught in Iijima.

Regarding claim 7, limitations can be found in claim 6.

Regarding claim 8, the combined teaching of Iijima in view of Tsukahara as discussed and analyzed in claim 6 teaches that the control button is disposed in the center of a side face of said camera body (See Tsukahara, fig. 14: 218; col. 14, lines 38-44; see also response to arguments as discussed and analyzed above).

Regarding claim 9, limitations can be found in claim 6.

Regarding claim 10, Iijima discloses that said imaging device begins to obtain first motion picture images and record said first motion picture images in a buffer memory (Fig. 1: 6) when said control button is depressed (English Machine Translation, page 5, ¶ 0024-0028).

Regarding claim 11, Iijima discloses that said control button is released and said determination is to record a still image, said imaging device records as a new still image in said storage medium (Fig. 1: 10) one of said first motion picture images, said one of said first motion picture images having been recorded in said buffer (Fig. 1: 6)

approximately when said control button was depressed (See English Machine Translation, page 5, ¶ 0024-0028).

Regarding claim 12, Iijima discloses that said control button is released and said determination is to record a motion picture, said imaging device records in said storage medium a plurality of said first motion picture images as a first portion of a new motion picture (See English Machine Translation, page 5, ¶ 0024-0028).

Regarding claim 13, Iijima discloses that said control button is released said imaging device obtains second motion picture images until said control button is again depressed (See English Machine Translation, page 5, ¶ 0024-0028).

Regarding claim 14, Iijima discloses that said imaging device records said second motion picture images in said storage medium as a second portion of said new motion picture (See English Machine Translation, page 5, ¶ 0024-0028).

12. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurase, US 2002/0063783 A1 in view of Tsukahara, US Patent 6,295,088 B1 and further in view of Omiya, US 2002/0071672.

Regarding claim 24, the combined teaching of Kurase in view of Tsukahara fails to teach a recess is formed on said top surface, forming a planar area, said control button being disposed in said planar area.

However, Omiya discloses a camera having a body (Fig. 1: 2) having formed in the upper face of said body, a recess portion (See fig. 3: 3c) forming a planar area (note

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area being planar as shown in fig. 3) and wherein a shutter button (Figs. 1: 15 and 3: 15) is disposed in said planar area (Page 2, ¶ 0035-0041).

Therefore, taking the combined teaching of Kurase in view of Tsukahara and further in view of Omiya as a whole, one of an ordinary skill in the art would notice the advantages of having a recess portion to dispose the shutter button since it would help avoiding accidentally captured images when the camera is stored in a pocket, casing, bag, etc. with other objects, and would find obvious to modify the camera in Kurase and Tsukahara using the teaching of a recess portion forming a planar area to dispose the shutter button. The motivation to do so would have been to structurally improve the camera body to prevent accidentally captured images which would also prevent unnecessary power consumption.

Conclusion

13. Because new grounds of rejection have been established to reject substantially unamended **claims 2, 4 and 5**, this Office Action is made **NON-FINAL**.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 9:30 A.M. to 6:00 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernandez
Examiner
Art Unit 2622

NDHH
August 6, 2007



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